

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 979

PRINTER NO. 1706

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 19, 2021

PRIME SPONSOR

Representative Dowling

DESCRIPTION

House Bill 979 amends Title 18 and Title 53 regarding the limitation and regulation of firearms and ammunition by municipalities.

This bill provides that a person adversely affected by an ordinance, resolution, rule, practice or other action promulgated or enforced by a county, municipality or township in violation of the limitations placed by the state may seek declarative and injunctive relief and damages.

A 'person adversely affected' is defined as a resident of the Commonwealth who may legally possess a firearm, a person who has standing pursuant to the law or a membership organization in which such person is a member.

A 'person adversely affected' who seeks to challenge a local firearm regulation must provide a 60-day written notice of the intention to challenge the regulation in order to be entitled to reasonable expenses if successful. A defendant who successfully defends against a municipal firearm regulation later found to be preempted by state law is also entitled to reasonable expenses. 'Reasonable expenses' include attorney fees, expert witness fees, court costs and compensation for lost income.

House Bill 979 also amends Title 53 to add a new section stating that the General Assembly has always intended and continues to intend to be the sole regulator of firearms, ammunition, magazines, accessories, firearm components and ammunition components in the Commonwealth including the purchase, sale, transfer, taxation, manufacture, ownership, possession, use, discharge, transportation and reporting of loss or theft of firearms, ammunition or components in the Commonwealth to the exclusion of any future or existing regulation or action adopted by a municipality.

House Bill 979 requires the Attorney General of this Commonwealth to notify state associations for all municipalities of the provisions of 53 Pa.C.S. § 306 and amendments to 18 Pa.C.S. § 6120 within 30 days of the effective date of the legislation.

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The amendment of 18 Pa.C.S. § 6120 and the addition of 53 Pa.C.S. § 306 shall take effect in 90 days. The remainder of this act shall take effect immediately.

FISCAL IMPACT:

House Bill 979 will have no fiscal impact on Commonwealth funds. Local governments may experience financial impacts to the extent any ordinance, resolution, rule or practice is successfully challenged in court and the municipality is required to pay reasonable expenses.